

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
JOHNSTOWN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,) CASE NO: 3:14-cr-00023
)
vs.)
)
JOSEPH D. MAURIZIO, JR.,)
)
Defendant.)
_____)

TRANSCRIPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE KIM R. GIBSON
SEPTEMBER 22, 2015

VOLUME IX

FOR THE GOVERNMENT:

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Proceedings reported by stenographer, transcript
produced with computer.

Kimberly K. Spangler, RPR, RMR
United States District Court
Penn Traffic Building, Ste. 204
319 Washington Street
Johnstown, PA 15901

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P R O C E E D I N G S

(The proceedings convened on September 22, 2015, commencing at 8:55 a.m.)

THE COURT: Good morning. Thank you for being here in a timely manner, as always. The two alternates are also in the jury assembly room, so they are also available if needed.

Anything from the parties before I send the jury to begin deliberations again?

MS. LARSON: No, Judge.

MR. PASSARELLO: No, Your Honor.

THE COURT: All right. Well, members of the jury, you may go with Ms. Savino to the deliberations room and resume your deliberations that were terminated yesterday around 8 o'clock, and we will await word from the foreperson of the jury if you have any questions or if you have reached a verdict.

We will be in recess until call of Court.

(The jurors exited the courtroom at 8:57 a.m., after which the following proceedings were held:)

THE COURT: The jury has left the courtroom so these remarks are out of the hearing of the jury.

Do the parties have anything for the Court outside of the hearing of the jury before we go into recess?

MS. LARSON: No, Judge.

MR. PASSARELLO: No, Your Honor.

1 THE COURT: All right. Well, please be available
2 within 15 minutes. We will call you if we have reason to
3 bring you back to the courtroom.

4 We will be in recess until call of Court.

5 (Recess taken from 9:00 a.m. until 11:11 a.m.)

6 THE COURT: The jury is not in the courtroom so
7 these remarks are outside the hearing of the jury.

8 Counsel, I received a question from the jury about
9 15 or 20 minutes ago, it's brief. It is, "Are the dates
10 correct for Counts 4 and 5?" That's the extent of the
11 question.

12 I will hear from counsel if you have any comments
13 on how this should be answered.

14 MS. LARSON: Well, Judge, obviously it's our
15 position that the dates are correct. If we could come up to
16 the bench I can explain a little bit more about the dates.
17 There's a few things I don't want to put on the record about
18 them. But our position is the dates are correct, and they
19 should be instructed that they are to center their
20 deliberations on the dates that are in Count 4 and 5 of the
21 indictment.

22 THE COURT: All right. You can approach, if you
23 wish.

24 (The following proceedings were held at sidebar:)

25 MS. LARSON: We intentionally charged it that way.

1 And the only thing I didn't want to put on the record is that
2 as we heard testimony about, Ludin's birthday was always in
3 March, always in the middle of the trip. So he straddles in
4 that one particular trip, he goes from being 15 to 16, and
5 that does make a difference with what theory we're charging.
6 So that's why it's charged that way. The dates are correct in
7 the Count 4 and 5 of the indictment. I think they should just
8 be told, yes, the dates are correct, that they should factor
9 that into the deliberations. I don't know how we tell them
10 that the dates are not correct. The dates are correct. I
11 don't know how the Court wants to word that about --

12 MR. PASSARELLO: I think the answer is yes. And I
13 don't think there's any other answer.

14 THE COURT: That was my reaction, that is to tell
15 them that the dates are correct, and that if they look into
16 the jury instructions being set forth what the indictment was
17 and they can check those dates if they wish to, and those are
18 the dates.

19 MR. PASSARELLO: Yes.

20 MS. LARSON: Okay. That's fine. Thank you, Judge.

21 (The following proceedings were held in open
22 court:)

23 THE COURT: You can bring the jury in, please.

24 (The jurors entered the courtroom at 11:12 a.m.,
25 after which the following proceedings were held:)

1 THE COURT: Ladies and gentlemen of the jury, the
2 question presented to the Court was, "Are the dates correct
3 for Counts 4 and 5?" The simple answer is yes. The dates
4 that are in the jury instructions that you have a copy of for
5 those two counts are the dates that were charged.

6 And if I have not answered the question that you
7 were asking, you will need to ask another one in writing. We
8 cannot discuss it now, but you can give me another question in
9 writing if I haven't answered the question you really wanted
10 answered.

11 Okay. You may go back to the deliberations room
12 then and continue deliberations.

13 (The jurors exited the courtroom at 11:13 a.m.,
14 after which the following proceedings were held:)

15 THE COURT: The jury has left the courtroom. Are
16 there any other issues for the Court before the parties
17 recess?

18 MS. LARSON: No, Judge.

19 MR. PASSARELLO: No, Your Honor.

20 THE COURT: All right. Well, we will find out if
21 that was really the question they had or if they have a
22 follow-up question, otherwise, we will be in recess until call
23 of Court.

24 (Recess taken from 11:18 a.m. until 4:12 p.m.)

25 (The alternate jurors entered the courtroom at 4:12

1 p.m.)

2 THE COURT: The Court has been informed that the
3 jury has reached its verdict. Ms. Savino, would you bring in
4 the jury, please.

5 (The jurors entered the courtroom at 4:14 p.m.,
6 after which the following proceedings were held:)

7 THE COURT: The jury has entered the courtroom.
8 Foreperson of the jury, has the jury unanimously agreed upon
9 its verdict?

10 JURY FOREPERSON: Yes.

11 THE COURT: Would you hand the verdict to
12 Ms. Savino, please.

13 All right. Members of the jury, I am now going to
14 publish your verdicts, so please listen carefully in case you
15 are asked if it is a correct verdict.

16 In the United States of America vs. Joseph D.
17 Maurizio, Jr., the jury empaneled in the above-titled case
18 finds the following: As to the charge set forth in the
19 superseding indictment charging defendant, Joseph D. Maurizio,
20 Jr., with engaging in illicit sexual conduct in foreign places
21 with Minor Number One, between on or about February 26, 2009
22 and March 13, 2009, Count 1: In violation of Title 18, United
23 States Code, Section 2423(c), we find the defendant Joseph D.
24 Maurizio, Jr., guilty.

25 As to the charge set forth in the superseding

1 indictment charging defendant Joseph D. Maurizio, Jr., with
2 possession of material depicting the sexual exploitation of a
3 minor, Count 2, on or about September 12, 2014, in violation
4 of Title 18, United States Code, Section 2252(a)(4)(B), we
5 find the defendant Joseph D. Maurizio, Jr., guilty.

6 As to the charges set forth in the superseding
7 indictment charging defendant Joseph D. Maurizio, Jr., with
8 engaging or attempting to engage in illicit sexual conduct in
9 foreign places with Minor Number Two, between on or about
10 February 26, 2009 and March 13, 2009, Count 3, in violation of
11 Title 18, United States Code, Section 2423(c), we find the
12 defendant Joseph D. Maurizio, Jr., guilty.

13 As to the charge set forth in the superseding
14 indictment charging defendant Joseph D. Maurizio, Jr., with
15 engaging or attempting to engage in illicit sexual conduct in
16 foreign places with Minor Number Three, on or about March 5,
17 2004 and March 11, 2007, Count 4, in violation of Title 18,
18 United States Code, Section 2423(c), we find the defendant
19 Joseph D. Maurizio, Jr., guilty.

20 As to the charge set forth in the superseding
21 indictment charging defendant Joseph D. Maurizio, Jr., with
22 engaging or attempting to engage in illicit sexual conduct in
23 foreign places with Minor Number Three, between on or about
24 March 3, 2008 and March 14, 2008, Count 5, in violation of
25 Title 18, United States Code, Section 2423(c), we find the

1 defendant Joseph D. Maurizio, Jr., not guilty.

2 As to the charge set forth in the superseding
3 indictment charging defendant Joseph D. Maurizio, Jr., with
4 transporting, transmitting, or transferring funds or monetary
5 instruments into or out of the United States with the intent
6 to promote carrying on of a specified unlawful activity
7 between January 23, 2006 and March 14, 2006, in regards to
8 Check Number 343, Count 6, in violation of Title 18, United
9 States Code, Sections 1956(a)(2)(A) and (2), we find the
10 defendant Joseph D. Maurizio, Jr., not guilty.

11 As to the charge set forth in the superseding
12 indictment charging defendant Joseph D. Maurizio, Jr., with
13 transporting, transmitting, or transferring funds or monetary
14 instruments into or out of the United States with the intent
15 to promote carrying on of a specified unlawful activity
16 between January 11, 2007 and March 20, 2007, in regards to
17 Check Number 111, Count 7, in violation of Title 18, United
18 States Code, Sections 1956(a)(2)(A) and (2), we find the
19 defendant Joseph D. Maurizio, Jr., not guilty.

20 As to the charge set forth in the superseding
21 indictment charging defendant Joseph D. Maurizio, Jr., with
22 transporting, transmitting, or transferring funds or monetary
23 instruments into or out of the United States with the intent
24 to promote carrying on of a specified unlawful activity
25 between December 18, 2008 and March 13, 2009, in regards to

1 Check Number 221, Count 8, in violation of Title 18, United
2 States Code, Sections 1956(a)(2)(A) and (2), we find the
3 defendant Joseph D. Maurizio, Jr., guilty.

4 The verdict form is signed by 12 jurors and is
5 dated September 22, 2015.

6 Do either of the parties wish to have the jury
7 polled?

8 MS. LARSON: No, Judge.

9 MR. PASSARELLO: Yes, Your Honor.

10 THE COURT: All right. Ladies and gentlemen of the
11 jury, I will go down the row starting in seat one. When I
12 call your juror number and seat number if you will please rise
13 and I will ask you a question.

14 Juror Number 41 in Seat Number One: Does the
15 verdict as published constitute your individual verdict in all
16 respects?

17 JUROR NO. 41: Yes.

18 THE COURT: You may be seated.

19 Juror Number 45 in Seat Number Two, does the
20 verdict as published constitute your individual verdict in all
21 respects?

22 JUROR NO. 45: Yes, Your Honor.

23 THE COURT: You may be seated.

24 Juror Number 80 in Seat Number Three, does the
25 verdict as published constitute your individual verdict in all

1 respects?

2 JUROR NO. 80: Yes.

3 THE COURT: Thank you.

4 Juror Number 87 in Seat Four, does the verdict as
5 published constitute your individual verdict in all respects?

6 JUROR NO. 87: Yes, Your Honor.

7 THE COURT: You may be seated.

8 Juror Number 55 in Seat Five, does the verdict as
9 published constitute your individual verdict in all respects?

10 JUROR NO. 55: Yes, Your Honor.

11 THE COURT: You may be seated.

12 Juror Number 186 in Seat Six, does the verdict as
13 published constitute your individual verdict in all respects?

14 JUROR NO. 186: Yes, Your Honor.

15 THE COURT: You may be seated.

16 Juror Number 84 in Seat Seven, does the verdict as
17 published constitute your individual verdict in all respects?

18 JUROR NO. 84: Yes, Your Honor.

19 THE COURT: You may be seated.

20 Juror Number 74 in Seat Eight, does the verdict as
21 published constitute your individual verdict in all respects?

22 JUROR NO. 74: Yes, Your Honor.

23 THE COURT: You may be seated.

24 Juror Number 155 in Seat Nine, does the verdict as
25 published constitute your individual verdict in all respects?

1 JUROR NO. 155: Yes.

2 THE COURT: You may be seated.

3 Juror Number 130 in Seat Ten, does the verdict as
4 published constitute your individual verdict in all respects?

5 JUROR NO. 130: Yes.

6 THE COURT: You may be seated.

7 Juror Number 76 in Seat Eleven, does the verdict as
8 published constitute your individual verdict in all respects?

9 JUROR NO. 76: Yes, it does, Your Honor.

10 THE COURT: You may be seated.

11 And Juror Number 193 in Seat Twelve, does the
12 verdict as published constitute your individual verdict in all
13 respects?

14 JUROR NO. 193: Yes, Your Honor.

15 THE COURT: You may be seated.

16 The jury having been polled and confirming that the
17 verdict as published was correct, the Court directs the clerk
18 to file and record the verdict.

19 At this time, Members of the jury, I am going to be
20 discharging each of you, and you will be ending your juror
21 service. I do want to thank you on behalf of the Court and
22 the court system for your service. This, I believe, is your
23 eleventh day since the trial started, and it has been a
24 lengthy trial.

25 As I commented before, I noticed that you did pay

1 attention. It is clear that from your paying attention and
2 your deliberations you took your duties seriously, and the
3 court system thanks you for your service.

4 You are hereby discharged from further juror duty
5 in this case, as well as the two alternate jurors.

6 And I want to thank you also. Although you did not
7 deliberate, you were essential to the process and completing
8 the trial, and I thank you for your service also.

9 All right, Ms. Savino, if you would escort the
10 members of the jury and the alternates to the deliberations
11 room we will go into recess.

12 (The jurors exited the courtroom at 4:26 p.m.,
13 after which the following proceedings were held:)

14 THE COURT: The jurors have left the courtroom. In
15 light of the verdict at this time, the Court schedules
16 sentencing in this matter for February 2, 2016 at 10 o'clock
17 a.m. in this courtroom.

18 The defendant is currently detained and is ordered
19 to remain detained pending sentencing.

20 Do the parties have anything additional for the
21 Court at this time? For the government?

22 MS. LARSON: Not from the government, Your Honor.

23 THE COURT: For the defendant?

24 MR. PASSARELLO: Your Honor, just obviously, my
25 Rule 29 motion is still pending and I renew same.

1 THE COURT: We will review that issue and issue a
2 decision on your motion for judgment of acquittal, which is
3 still reserved by the Court.

4 Anything additional?

5 MR. PASSARELLO: No, Your Honor.

6 MS. LARSON: No, Judge. Thank you.

7 THE COURT: Then we will be in recess until call of
8 Court.

9 (Proceedings concluded at 4:28 p.m.)

10 * * *

11

12 CERTIFICATE OF OFFICIAL REPORTER

13

14 I, Kimberly K. Spangler, Federal Official Court
15 Reporter, in and for the United States District Court for the
16 Western District of Pennsylvania, do hereby certify that
17 pursuant to Section 753, Title 28, United States Code, that
18 the foregoing is a true and correct transcript of the
stenographically reported proceedings held in the
above-entitled matter, and that the transcript page format is
in conformance with the regulations of the Judicial Conference
of the United States.

19 Dated this ____ day of _____ 2016

20

21 KIMBERLY RUSHLOW SPANGLER, RPR, RMR
22 FEDERAL OFFICIAL COURT REPORTER

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